

REMARKS

Claims 1-49 remain pending in the application, with claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 being the independent claims. Independent claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 and dependent claims 6 and 7 are sought to be amended. Entry and consideration of this Amendment is respectfully requested. No new matter is believed to have been introduced by this Amendment.

Applicant has made the above Amendment to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Rejections under 35 U.S.C. § 112

Claims 1-49 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant has canceled the language of “determining whether the reference magnitude is relevant by comparing the reference magnitude to a total number of products downloaded by the consumer” from claims 1-49 and thus rendering the rejection to these claims moot. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

Patentability over U.S. Patent No. 6,934,964 (Schaffer) and U.S. Patent No. 6,614,987 (Ismail)

Claims 1-49 have been amended to include the similar feature of: wherein the consumer preferences are determined at least in part by consumer information linked to billing information associated with a set-top box of the consumer. Schaffer and Ismail, either taken alone or in combination, do not teach or suggest this feature. For at least this reason, independent claims 1, 13, 20, 26, 30, 34, 38, 42 and 46 and their respective dependent claims are distinguishable from Schaffer and Ismail, either taken alone or in combination.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is invited to call the undersigned, Molly A. McCall, at (703) 633-0931 if there remains any issue with allowance of the case.

CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

Respectfully submitted,

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